

DEPARTMENT OF VETERANS' AFFAIRS

SUBJECT: Affirmative Action Discrimination Complaint Procedure

INTRODUCTION: Who May file a Complaint

A complaint related to employment may be filed by any employee or applicant of the Department of Veterans' Affairs who believes that an employment practice in the Department of Veterans' Affairs has or will result in discrimination in employment against him/her due to their age, ancestry, color, genetic information, learning disability, marital status, past or present history of mental disability, mental retardation, national origin, physical disability, race, religious creed, sex, including pregnancy and sexual harassment, sexual orientation, workplace hazards to reproductive systems, criminal record (in state employment and licensing).

Protection from Adverse Actions

All employees shall be free from any and all restraint, interference, coercion, or reprisal on the part of their associates, supervisor, and all others in making any complaint or appeal, in serving as representatives or a complainant, in appearing as witnesses or in seeking information. The above principles apply with equal force after a complaint has been adjudicated. Should those principles be violated, the facts shall be brought to the attention of the Agency Human Resources Administrator by the aggrieved party, his/her representatives or any person affected.

PROCEDURE: All complaints are to be filed with the Department of Veterans' Affairs Human Resources Administrator, or in the absence of the Human Resources Administrator, with the Department Manager for investigation.

All complaints shall be submitted in writing using the 'Affirmative Action Complaint Form', attached, and should be filed within thirty (30) calendar days of the alleged discriminatory act giving rise to the complaint.

The Human Resources Administrator is charged to notify the accused party of the particulars of such complaint within five (5) working days from the time of its submission.

RESOLUTION:

Attempts will be made to resolve complaints of discriminatory actions and practices through a formal process conducted by the Human Resources Administrator.

The Human Resources Administrator is designated to act in an effort to mediate or conciliate complaints.

The Human Resources Administrator shall insure prompt consideration of each complaint filed with his/her office. If, after the investigation of the complaint, the Human Resources Administrator concludes that no discriminatory act has occurred, (s) he may dismiss the charge. Any complainant dissatisfied by the dismissal or disposition of the complaint retains all other administrative and legal remedies as provided by Personnel Regulations, union contracts, or other laws and regulations.

If, after investigation of the complaint, Human Resources Administrator believes that an act of discrimination may have occurred within ten (10) workdays after said determination is made, the Human Resources Administrator shall personally attempt to conciliate the matter.

Confidential counseling is incorporated into the Department of Veterans' Affairs Affirmation Action Discrimination Procedure.

Hearings by the Commissioner's Office may be held in cases in which conciliation or mediation has failed where either party so requests. Such requests shall be submitted in writing, signed stating the basis for the request. A decision shall be rendered by the Commissioner's Office after a careful review of all the facts.

If either party fails to comply with any obligation or requirement which forms part of any such decision, said decision may be enforced by a directive from the Commissioner's Office.

Time frames shall not exceed ninety (90) days for filing, processing and resolution of all discrimination grievances.

In accordance with Section 46a-68-46(b) of the Regulations for Affirmation Action by State Government, all records of grievances, herein addressed as complaints, and dispositions thereof shall be maintained and reviewed on a regular basis by the Human Resources Administrator to detect any patterns in the nature of the complaints. Records so retained shall be confidential except where disclosure is required by law.

Employees are advised of legal options to file complaints with the Commission on Human Rights and Opportunities within 180 days after the alleged discrimination; United States Equal Employment Opportunity Commission within 300 days of the alleged discrimination; United States Department of Labor, Wage and Hour Division; and any other agencies, state, federal or local, that enforce laws concerning discrimination in employment. Contact information for these agencies and organizations is provided at the time of the initial interview.

